

Appl. No. 10/611,405
Amendment dated January 13, 2005
Reply to Office Action of October 13, 2004

REMARKS/ARGUMENTS

Applicants have canceled Claims 1 - 16 and 20 - 42 with regard to the election/restriction requirement.

Claims 17 - 19 were rejected under 35 USC 112 as being indefinite. These claims have been rewritten, and it is believed that the antecedent basis issue has been resolved.

Claims 17 - 19 were also rejected under 35 USC 102 as being anticipated by Doolittle. Claims 17 - 19 and new Claim 43 have been rewritten to clarify and aid in distinguishing them from Doolittle. One major difference between Doolittle and the present invention is that the Doolittle plug is inserted in the bark and that its fluid is provided to the area between the xylem and the bark. Doolittle does not provide means for injecting fluid into the xylem itself. Further, there is no membrane used in Doolittle. Item 100 of Doolittle is a "bar shaped plug of resilient material" (column 3, line 52). In Applicants' amended claims specific mention is made of Applicants' membrane having a curved portion which forms a dome-like structure facing the pressurized fluid in the xylem such that the pressure from the fluid on the curved portion of the membrane forces its sides outward against the plug body. No such structure is found in Doolittle. Fluid pressure on plug 100 of Doolittle would only serve to force the plug rearwardly and do nothing to force Doolittle's plug against tubular shank 36. Doolittle is very specific about the location of its plug in the tree bark. The feature of Applicants' plug being insertable into the xylem and then having pressurized fluid therebehind while still being able to be retained in place is quite important as much more fluid can be entered into the plant, and this feature is not taught

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or suggested by Doolittle. Doolittle does not even attempt to address the issue of injections into the xylem itself.

The Examiner has also requested the second page of the IDS filed 01/08/2004. Although I am not the attorney who filed the IDS, I have attached hereto what I believe to be a copy of the missing second page as requested by the Examiner.

It is believed that the pending claims are now allowable, and it is requested that a Notice of Allowance issue in due course.

Respectfully submitted,



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